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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,605	12/04/2003	Elio Cavagna	206,337	9767
38137	7590	08/25/2005		
ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017				
			EXAMINER LANDRUM, EDWARD F	
			ART UNIT 3724	PAPER NUMBER

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/728,605	Applicant(s) CAVAGNA, ELIO	
	Examiner Edward F. Landrum	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ball monorail guidance system must be shown, as well as how the support screw is attached and used in conjunction with the sliding device, or the feature(s) will be canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. "Fig 1" in the drawings is objected to under 37CFR1.84(u)(1) since there is only one drawing.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Support For Linear Motion, Suitable For Cutting Units."

4. The disclosure is objected to because of the following informalities:

There exists only one drawing within the application. Please modify the disclosure (Page 3, lines 13-16) to accurately reflect this. The use of the term "FIG. 1" is not appropriate when there is only one drawing. "FIG 1" is required to be replaced by --the figure--(see 37CFR1.84(u)(1)).

In paragraph 13, it is not understood what "The sliding device or unit 30 includes at least a ball monorail guidance system, for example, of the type known in the marked with the name "INA/KUVE..." means. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

"Such as", "especially", and "equivalent fastening means" are indefinite as to the extent of what is being defined.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Huhn et al (U.S Patent No. 6,327,950).

Regarding claims 1 and 13, Huhn teaches a support for linear motion having a shaped block comprising of two seats (see Figure 2), the first (14) having a brake (28 and 14), and the second (13) a sliding device including at least a ball monorail guidance system (22) connected to (12) a shaped track (Col. 3, lines 27-43; Col. 4, lines 1-15). Huhn implicitly shows the shaped block is made out of metal (see Figure 2).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-6, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huhn in view of Burkart et al (U.S Publication No. 2003/0209115).

Huhn teaches all of the elements of the current invention as stated above except:

- a. The shaped track fastened to a supporting member and extending the whole length of the supporting member.
- b. The first and second seats being adjacent to each other, and the brake in the second seat being either pneumatically or hydraulically operated.

Burkart teaches (Paragraph 24; also see Figure 2) a track (14) mounted to an upper cross member (15) in the form of a box beam (16). Burkart also teaches (Paragraphs 28, 30, and 37; also see Figures 3-6) a second seat with a pneumatically or hydraulically controlled brake for cooperating with cutting groups that is substantially adjacent to the first seat.

It would have been obvious to have modified Huhn to incorporate the teachings of Burkart to provide a track that extends the length of the box beam, and a brake that can be controlled with pressurized liquids or gases. A track that extends the length of the box beam would increase the usefulness of the cutting apparatus by allowing the blades of the apparatus to cut laminar materials to many different widths within the allowable widths of the machine. A pressurized brake would allow the operator of the cutting apparatus to control the brake from any distance away from the machine, which could prevent injury caused by extremities getting caught within the machine while hand tightening down the brakes.

11. Claims 7, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huhn in view of Printz et al (U.S Patent No. 3,185,010).

Huhn teaches all of the elements of the current invention as stated above except for the sliding device being fastened to the support by screws or other fastening means.

Printz teaches (see Figure 4) a sliding device (36) attached to the main body of the linear motion device through the use of a screw (34).

It would have been obvious to have modified Huhn to incorporate the teachings of Printz to provide a sliding device that was fastened to the body of the linear motion device by a fastening means. A detachable sliding device would provide the user to incorporate new sliding technologies be it for the track and/or the sliding device thereby extending the usability of the present cutting apparatus. A detachable sliding device would also make it easier to replace damaged parts.

12. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huhn in view of Burkart as applied to paragraph 11 above, and further in view of Pintz.

Huhn, and Burkart teach all of the elements of the current invention as stated above except for the sliding device being fastened to the support by screws or other fastening means.

Printz teaches a sliding device attached to the main body of the linear motion device through the use of a screw.

It would have been obvious to further modify the combination of Huhn and Burkart to incorporate the teachings of Printz to provide a sliding device that was fastened to the body of the linear motion device by a fastening means. A detachable sliding device would provide the user to incorporate new sliding technologies be it for the track and or the sliding device thereby extending the usability of the present cutting apparatus. A detachable sliding device would also make it easier to replace damaged parts.

13. Claims 1, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huhn in view of Colombo et al (U.S Patent No. 4,741,234).

Huhn teaches all of the elements of the current invention as stated above except that the shaped block is made of metal.

Regarding claims 1 and 13, Colombo teaches (Col. 1, lines 14-17) the body of a knife holder designed for linear movement is made of metal.

It would have been obvious to modify Huhn to incorporate the teachings of Colombo to provide a support for linear motion made out of metal. Metal apparatuses and parts are widely used in many engineering applications because of metal's durability and reliability.

14. Claims 2-6, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huhn in view of Colombo as applied to paragraph 14 above, and further in view of Burkart.

Huhn as modified by Colombo teaches all of the elements of the current invention as stated above except:

- c. The shaped track fastened to a supporting member and extending the whole length of the supporting member.
- d. The first and second seats being adjacent to each other, and the brake in the second seat being either pneumatically or hydraulically operated.

Burkart teaches (Paragraph 24; also see Figure 2) a track (14) mounted to an upper cross member (15) in the form of a box beam (16). Burkart also teaches (Paragraphs 28, 30, and 37; also see Figures 3-6) a second seat with a pneumatically

or hydraulically controlled brake for cooperating with cutting groups that is substantially adjacent to the first seat.

It would have been obvious to modify the combination of Huhn and Colombo to incorporate the teachings of Burkart to provide a track that extends the length of the box beam, and a break that can be controlled with pressurized liquids or gases. A track that extends the length of the box beam would increase the usefulness of the cutting apparatus by allowing the blades of the apparatus to cut laminar materials to many different widths within the allowable widths of the machine. A pressurized brake would allow the operator of the cutting apparatus to control the brake from any distance away from the machine, which could prevent injury caused by extremities getting caught within the machine while hand tightening down the brakes.

15. Claims 7, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huhn in view of Colombo as applied to paragraph 14 above, and further in view of Printz.

Huhn as modified by Colombo teaches all of the elements of the current invention as stated above except for the sliding device being fastened to the support by screws or other fastening means.

Printz teaches (see Figure 4) a sliding device (36) attached to the main body of the linear motion device through the use of a screw (34).

It would have been obvious to further modify the combination of Huhn and Colombo to incorporate the teachings of Printz to provide a sliding device that was fastened to the body of the linear motion device by a fastening means. A detachable

sliding device would provide the user to incorporate new sliding technologies be it for the track and or the sliding device thereby extending the usability of the present cutting apparatus A detachable sliding device would also make it easier to replace damaged parts.

16. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huhn in view of Colombo in further view of Burkart as applied to paragraph 15 above, and further in view of Printz.

Huhn as modified by Colombo and Burkart teaches all of the elements of the current invention as stated above except for the sliding device being fastened to the support by screws or other fastening means.

Printz teaches a sliding device attached to the main body of the linear motion device through the use of a screw.

It would have been obvious to have modified Huhn, Colombo, and Burkart to incorporate the teachings of Printz to provide a sliding device that was fastened to the body of the linear motion device by a fastening means. A detachable sliding device would provide the user to incorporate new sliding technologies be it for the track and or the sliding device thereby extending the usability of the present cutting apparatus.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noffke et al (U.S Patent No. 4,438,673), Cavagna (U.S Patent No. 4,649,782), McNally (U.S Patent No. 4,170,159), Tidland et al (U.S Patent No. 5,025,693) teach

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linear positioning devices for cutting devices. Hayes (U.S patent No. 3,071,418) teaches guide track means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL 
8/10/2005


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